

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 TYLER HARRIS,

4 Plaintiff

5 v.

6 FRSCO CORPORATION,

7 Defendant

Case No.: 2:24-cv-01847-APG-BNW

**Order Accepting Report and  
Recommendation, Denying Motion to  
Change Venue, and Closing Case**

[ECF Nos. 4, 5]

8 On October 18, 2024, Magistrate Judge Weksler recommended that this case be  
9 dismissed for lack of subject matter jurisdiction because there is no federal question jurisdiction  
10 and because the plaintiff and defendant are Nevada citizens, so there is no diversity jurisdiction.  
11 ECF No. 4. In response, plaintiff Tyler Harris requests that I change venue from this court to the  
12 Eighth Judicial District Court. However, I cannot transfer a case to state court. Accordingly, I  
13 accept the report and recommendation to dismiss this case for lack of subject matter jurisdiction,  
14 without prejudice to Harris pursuing his claims in state court.

15 I THEREFORE ORDER that Magistrate Judge Weksler's report and recommendation  
16 (ECF No. 4) is accepted and plaintiff Tyler Harris's motion to change venue (ECF No. 5) is  
17 denied. Plaintiff's complaint (ECF No. 1-1) is dismissed for lack of subject matter jurisdiction,  
18 and without prejudice to the plaintiff pursuing his claims in state court. The clerk of court is  
19 instructed to close this case.

20 DATED this 12th day of November, 2024.

21 

22 ANDREW P. GORDON  
23 CHIEF UNITED STATES DISTRICT JUDGE